

January 6, 2015

Sent E-mail: Gross.louann@Epa.gov

MS LOUANN GROSS

Sent Certified U.S. Mail No.

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7013 2250 0001 7900 6971

Informational Officer

US EPA, Region IV

AFC Bldg., 61 Forsyth St., S.W. 9th Floor (4PM/IF)

Atlanta, GA 30303-8960

RE: F.O.I.A. Request to US EPA, Region IV. (Lauderdale County, MS)

Since US EPA has oversight of the Clean Water Act Regulations And Hazardous Waste Regulations, including those regulations in the State of Mississippi, delegated to the State of Mississippi and Region IV, through a written/signed Memorandum of Agreement with Title 40 Federal EPA controls that "TRUMP" the State of Mississippi's Department of Environmental Quality, I am requesting a review of all information regarding the following environmental permitting process/S. (Note: An Evidentiary Hearing Request was/has been requested, in the required timely manner, to MS-DEQ in the matters of MS Power permit application No. MS0061571 (contact MS-DEQ's Attorney Lisa Ouzts). Acknowledged in an open public MS-DEQ public hearing by MS-DEQ's Chief Staff Attorney, Roy Furrh, the City of Meridian, MS's. POTWs, Meridian South Permit No. MS0020117 and Meridian East Permit No. MS0055735, ARE IN DEFAULT/NUMEROUS VIOLATION/S and continue to be in default, with NO corrective mandated oversight by MS-DEQ and "IN WRITING" over-sight promised, after filed written complaints directly to EPA, by EPA Region IV, of the 303-D Sowashee Creek, Meridian, MS:, Pascagoula Water Basin, Waters of the US. Said Sowashee Creek still remains a 1996 EPA declared 303-D impaired stream.

The information requested includes, but not limited to, all evaluation/S, review/B, comment/S of staff and management for MS-DEQ. Also, any correspondence between MS Power/Southern Co/ET AL., as it relates to these/the entire permitting process/S and the City of Meridian, MS permit/S NPDES MS0020117 and MS0055735 that supply, through written contract, "GRAY-?"/ "MINIMALLY-?" treated wastewater to MS Power Kemper Co. 's. "UN-OPENED-NONOPERATING, (Plant was to open 2013 - maybe 2016-?),

facility's one/half Billion gallon on premises reservoir. Surreptitiously, then MS-DEQ Ex. Dir., Trudy Fisher, signed, within a 5 day "AGREEMENT-?" with MS Power, (which, to date, still has NO completed NPDES permit), an "AGREED ORDER" No. 6330-13, Sept. 26, 2013, allowing MS Power/et al., to load into the Tompete and Chickasawhay River tributaries to the Okatibbee Reservoir, Pascagoula Watershed, BY-PASSING the US EPA's required permitting process into the waters of the US and State of Mississippi.

These discharges are based on MS Power permit application, No. MS0061571, submitted by MS Power to MS-DEQ Dec. 2, 2011 with numerous modification drafts since, includes an industrial ash pond, cooling make-up water and a package plant used for treating domestic water. Since these permit matters/S-issues have been reviewed by US EPA, the following information, (including but not limited to), is requested including stream loading, rationale sheets for the permitting process, waste stream characterizations, list of potential pollutant/S including standard industrial codes, potential sources for these pollutant/S from all industrial site/S. This F.O.I.A. request includes all media types for all the above request/S: (Phone logs, e-mails, faxed materials, hard copy, etc., at al..)

Again, December 2, 2011 MS Power permit application, No. MS0061571, was submitted and has had numerous draft modification/S which included several references to US EPA's reviews throughout said time periods.

The Town of Marion, MS's waste stream, (including ALL the commercial/ factory/business/S located in the contiguous Sonny Montgomery N. E. Industrial Park), are and continuously have been, discharging raw/UN-treated sewage directly into the 303-D Sowashee Creek, Meridian, MS while under five-year extended contracts with the City of Meridian's POTW South NPDES permit, No. MS0020177 for Marion's waste flow treatment. The Town of Marion, MS sewage includes industrial wastewater from several entities that should have regulated parameters based on contributions from standard industrial codes. Approximately \$4,000,000.00± in Federal USDA GRANT was applied for, and approved, to RE-direct ALL of the Town of Marion's NON-PRETREATED wastewater/S, (including Town of Marion's

industrial park's commercial waste stream/S, through a yet UNconstructed 14± mile pipeline, to the Dalewood Sewer District Treatment Plant, Lauderdale County, MS, a Residential Permit No. MS0057126.

Although the Dalewood facility has additional capacity available, this private domestic residential plant CAN NOT treat the parameters of the Town of Marion's commercial waste stream/S that have NO PRE-TREATMENT. FURTHER, the Dalewood Sewer District's treatment plant facility was/is constructed on a contiguous, known toxic dump, through a ground lease, loading into the Little Red Creek, which is approximately 2.5 feet wide, after recent rain. MS-DEQ represents that the addition of Town of Marion's waste stream would TRIPLE the Dalewood District's POTW (treatment-?) flows into the Little Red Creek. Why would this be allowed? (Contact Harry M. Wilson, Chief of Permitting, MS-DEQ, Wilson is apparently now UN-aware of what he is aware of!)

FURTHER, FURTHER, and more confusing, as the Town of Marion IS TO CONSTRUCT its 14± mile sewage pipeline to the Dalewood Sewer District Treatment Plant, the City of Meridian has issued/sold \$1,200,000.00 of General Obligation Bonds, August of 2014. Partial monies of this bond sale is designated to be utilized/set aside to connect the Town of Marion's "SAME" industrial waste stream/S through a to-be-built pipeline connector to the City of Meridian's East POTW, mentioned above, Permit No. MS0055735. (Butler/Snow Law Firm, Meridian's Envior. Counsel/Tommie Cardin sold bonds!)

Note: As of Feb. 2014, at the written notice of the City of Meridian's request, the MS-DEQ withdrew/canceled 'Meridian's East POTW NPDES permit No. MS0055737. The East POTW is no longer capable of treating the waste stream flow parameters of its ONLY waste stream generator, Meridian Naval Air Station, McCain Field, located north of the City of Meridian. All disinfection capability at Meridian's East POTW MS0055735 has been removed.)

Meridian's East POTW, MS0055735, OPENED 2004, was specifically funded and built, (\$10,000,000.00 of State of MS bonds and Federal

"Special Appropriation Funds"), to "EXCLUSIVELY TREAT" the Meridian Naval Air Station's now "NON-PRETREATED" raw waste stream, Federal US Navy contract No. N62467-96-C-1815, "Wastewater Service for Naval Air Station Meridian, MS", which said contract is still in full force and effect.

Note: Though Meridian Naval Air Station's treatment plant/facilities were fully operational and in good repair, leading to the Tombigbee Water Basin, the City of Meridian obtained 10M± to connect the Naval Base's wastewater stream to the 1996 EPA declared "IMPAIRED 303-D" Sowashee Creek that was, and still is, overburdened! Based on MS-DEQ, there has never been a review, an evaluation or a characterization of the waste stream from the Meridian East POTW, MS0055735.

Since the total waste stream is from the Meridian Naval Air Station and through a Federal contract, requirements for complying with all Clean Water ACT regulations are mandated. The waste stream should have approximate SIC codes identifying all the naval air field operations including maintenance, fueling, repair and aircraft cleaning, etc., et al.. Based on the SIC code and evaluation of contributions in this waste stream, what parameters were considered to be included in permit MS0055735 monitoring?

Based on MS-DEQ's documented comments and correspondence from US EPA Region IV, that the permitting of Meridian's two POTW's would be closely monitored by Region IV, complete and thorough documentation should be available for review.

Because of these "INTERRELATIONSHIPS OF EXISTING AND POTENTIAL WASTE STREAM CONNECTION/S", I am requesting to view/inspect all information at EPA regarding these potential pipeline connection "PROJECTS-?": Dalewood District treatment plant, permit No. MS0057126, the City of Meridian's East POTW, No. MS0055735, and City of Meridian South POTW Permit No. MS0020117, information/documentation in total. The above documentation shall include, but is not limited to, the City of Meridian's Environmental Legal Counsel Representation and Contractor/S. Example: Butler/Snow/O

'Mara/Stevens/Cannada Law Firm concerning all phone logs, e-mails, faxed materials, hard copy, etc./et al., in these matters.

See Exhibit "A" attached, (1p. partial), Nov. 12, 2010 cover letter/contract, Attorney Tommie Cardin, Butler/Snow Law Firm to then City of Meridian's Mayor Barry, "Formal Environmental Legal Representation Contract".

In addition, but not limited to, review of all information/review of files concerning:

Kerr-McGee/Tronx/Greenfield Property. (Two Mississippi sites, City Of Meridian and Columbus, Lowndes County. These sites were "CLEARED"-? by MS-DEQ and US EPA according to bankruptcy court proceedings in the State of New York, 2014. The Meridian site/property was included in the MS Power Kemper Co. Lignite pipeline construction right-of-way to transport Meridian's waste stream to said project's One-half Billion gallon on-site reservoir. There had to be substantial consideration/S from both MS-DEQ AND US EPA Region IV concerning these matters/issues. The Columbus, MS. Kerr-McGee site was awarded \$69,000,000.00 for "CLEAN-UP PURPOSES". US EPA Region IV file documentation is of great interest for comparison/evaluation purposes.

Brownsfield Toxic Site Location. Meridian, MS., Hwy 19 North near/at confluence of Loper Creek/Okatibee Creek. This sixty-acre site contained a 50-60 year old NON-controlled toxic junkyard, in the: "FLOOD-WAY" contiguous to Loper Creek that was "CLEARED"-? in a NON-controlled manner by MS-DEQ and US EPA Region IV. This same property is now a Wal-Mart development project. (Contact Bradley Crain, MS-DEQ.)

Starkville, MS. NPDES POTW NO. MS0036145. (Oktibbeha Co.)

See Exhibit "B" attached, (1p.), Feb. 20, 2013 Starkville Daily News Art. "EPA to penalize city for sewage overflows".

Two EPA Region IV enforcement individuals appeared in Starkville, MS. on January 29-30, 2013. Hence, "the EPA planned to impose monetary penalties on the city (Starkville) for sanitary sewer overflows in the public collection system over a (past) five-year period".

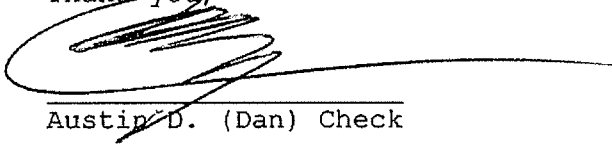
In reviewing all these technical document/files, I am requesting that I am allowed to bring technical support to assist in the review. Because of the complicity and In-completeness of permit file/S documentation/records at MS-DEQ, this review request process may be lengthy. MS-DEQ has stated these permits/matters/issues have been reviewed and approved by US EPA and/or Region IV. Based on numerous representations/statements by MS-DEQ, complete information was given to US EPA for review and approval.

The technical support shall be supervised by John W. Turnbull,  
Athens, GA.

NOTE: INTENT, MYREVZEW OF ALL DOCUMENTATION/FILES/ET AL., BEFORE  
REQUESTING/MAKING OF ANY COPIES OF MATERIALS.

Please contact me for any questions concerning my request.

Thank you,



Austin D. (Dan) Check

P.O. Box 3271, Meridian, MS. 39303  
Phone/Answer. Ser., 601-604-3388

Attachments: Exhibit A, Exhibit B

CC: Mayor Elvis Hudson, Mayor.....(via Certified US Mail)

Marion City Hall  
6021 Dale Drive  
Marion, MS. 39342

Restricted Delivery No. 7013 2250 0001  
7900 6988

John W. Turnbull, Bill Heidelberg, Wally Hudnall, Tommy Williams,  
James Harwell, David Hamilton, Raymond Huffmaster, others.

# BUTLER | SNOW

November 12, 2010

## CONFIDENTIAL, ATTORNEY-CLIENT PRIVILEGE

The Honorable Cheri Barry  
Mayor, City of Meridian  
Post Office Box 1430  
Meridian, Mississippi 39302-1430

Re: City of Meridian Environmental Representation

Dear Mayor Barry:

As you are aware, we have had the privilege of working closely with you and your fellow City officials to provide advice informally regarding various environmental issues confronting the City. Given the scope of the environmental issues facing the City, we would like to propose a formal engagement whereby the City will retain us to serve as special counsel on selected environmental matters. We believe that we can offer helpful assistance given the breadth and depth of the expertise of our environmental lawyers.

Specifically, we will serve as Special Counsel to the City of Meridian on environmental matters as directed by you. These environmental matters include, but are not necessary limited to, maintaining and upgrading existing water/wastewater infrastructure, any Notice of Violation issued by the Mississippi Department of Environmental Quality (MDEQ) or the U. S. Environmental Protection Agency (EPA) and attendant proceedings, development and implementation of a regional water/wastewater authority, and any interaction as needed with either MDEQ or EPA or any other state or federal officials. We will render advice and representation on these separate matters as directed by you on an as needed basis.

We will bill the City on an hourly rate basis for our work. Our environmental team of lawyers includes myself, Gary Rikard, Michael Caples, Nick Manley and Jimmy Palmer. Although each of us may be called upon from time to time to assist, your primary contact will be Gary Rikard. Any work performed by myself, Gary or Michael will be at an hourly rate of \$245.00. Nick's hourly rate will be \$195.00. Jimmy's rate will be \$325.00. In the event we use any legal assistants, those rates will range between \$105 and \$150 per hour. Time is billed in increments of one-tenth (.10) of an hour.

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BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

EXHIBIT "A"

Skip to main content

<b>VOLLOR LAW FIRM ATTORNEY AT LAW</b> PERSONAL INJURY • WRONGFUL DEATH • CRIMINAL DEFENSE 127 EAST MAIN STREET • P.O. BOX 40120 • STARKVILLE, MS 39759 • (662) 723-4983 • (662) 523-7786 FAX	<b>AUSTIN VOLLOR</b> 
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## EPA to penalize city for sewage overflows

February 20, 2013

BY NATHAN GREGORY

citybeat@starkvilledailynews.com

City Public Works Director Doug Devlin informed the Starkville Board of Aldermen Tuesday that the Environmental Protection Agency planned to impose monetary penalties on the city retroactively for sanitary sewer overflows in the public collection system over a five-year period.

The regulatory action now requires the city to more aggressively enforce its ordinance regarding the discharge of fats, oils and grease into the public sanitary sewer system to avoid future fines. The code pertaining to prohibited chemicals allowed in the collection system, Sec. 110-92, states that any waters or wastes containing grease, fats, was or oils in excess of 100 milligrams per liter that can solidify at temperatures between 32 and 150 degrees Fahrenheit.

EPA officials audited the city's sewer collection system on Jan. 29 and Jan. 30 accompanied by a representative of the Mississippi Department of Environmental Quality.

Devlin said he did not know how much of a fine EPA would direct the city to pay. He and City Attorney Chris Latimer would speak with EPA officials next month via teleconference to discuss the penalties, he said. According to Devlin, the discharging of fats, oils and grease into the collection system is one of the primary causes of sanitary sewer overflows.

Over the next few years, EPA officials will audit all Mississippi municipalities who have treatment permits of 10 million gallons per day or higher, and Starkville was one of the first that was evaluated, according to Devlin.

"This news is going to result in a huge change in the way we do business as far as managing our collection system," Devlin informed the board Tuesday. "The old method was you looked at sewer overflows as going and taking care of them as a cost of doing business ... With this regulation the city is fined for each month that a sanitary sewer overflow occurs. It's going to take a lot of work on the city's part and also it's going to take a lot of help from the public and from customers in regards to deposits of grease into the sanitary sewage system."

Devlin said the city had been transparent by notifying MDEQ and EPA officials of violations.

"As soon as we know of an overflow we report it like we're supposed to, but the bad news is those who didn't report them are going to pay less fines," he said.

On Wednesday Devlin said both he and the MDEQ official were "shocked" by the agency's intentions to impose the fines.

"When (MDEQ) does an enforcement action of some type, unless there is a criminal violation, their method is not to impose fines and penalties," Devlin said. "They do what is called an agreed order where you lay out a capital improvement plan to improve the issues, and we work together with them. If we correct the issues, there are no fines or penalties, but ultimately the federal government operates in a different manner than our state agency does."

According to an EPA guide for evaluating capacity, management, operation and maintenance programs of collection systems, a wastewater treatment plant operator should ensure that new and rehabilitated sewers and connections from businesses within a municipality are properly designed, constructed and tested before being put into service.

"This authority could take the form of design and performance specifications in a sewer use ordinance or other legal document such as a statute or series of contracts or joint powers agreements. The ordinance or legal document should contain, at a minimum, general prohibitions, adequate grease control requirements and measures, prohibitions on stormwater inflow, infiltration from laterals, and new construction standards," the guide states. "The grease control section of the document should contain the requirement to install grease traps at appropriate facilities (e.g., restaurants). Additionally, these facilities should be required to properly maintain the grease traps and pump them out on a regular basis. The document should also address periodic inspections of grease traps by collection system personnel and the ability to enforce (i.e., levy fines on persistent offenders)."

Devlin said updated building codes had mandated new establishments such as restaurants to install a grease interceptor that collected grease and prevented it from entering the sewer system.

"We don't want people to think Starkville drew attention to itself because of a bunch of violations," Devlin said.

"Everybody in Mississippi with a 10-million-gallon-per-day permit is going to be audited over the next couple of years, and what surprised us is how (EPA is) going to go back retroactively and impose these penalties."

Between now and the teleconference, Devlin said public works officials were gaining a full understanding of the EPA laws.

"When we talk to (the EPA) we want to definitely try to work with them and try to minimize the impact of the penalties in any way possible," he said.



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